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EXAMINER	
FOX	
ART UNIT	PAPER NUMBER
1003	18

DATE MAILED:

05/10/97

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

*See attachment.*

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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

IN THE CLAIMS:

Claims 2 and 8 were cancelled without prejudice.

In claim 1, line 9, "comprised" was replaced with --compromised--.

In claim 1, line 10, "of" was changed to --or--.

In claim 4, part (a)(i), line 3, the following phrase was inserted after "gene":

~~that~~ that confers resistance to an herbicide or antibiotic, --.

In claim 4, part (b)(ii)B., line 2, the following phrase was inserted after "antibiotic":

~~to~~to eliminate plants which do not contain the DNA sequence defined in (a) ~~to~~.

In claim 12, line 3, "chemical agent or physiological stress" was replaced with --herbicide or antibiotic--.

Authorization for this examiner's amendment was given in a telephone interview with Donald J. Pelto on 6 June 1997.

All claims are allowable. However, due to a potential interference, *ex parte* prosecution is SUSPENDED FOR A PERIOD OF SIX (6) MONTHS from the date of this letter. Upon expiration of

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the period of suspension, applicant should make an inquiry as to the status of the application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David T. Fox whose telephone number is (703) 308-0280. The examiner can normally be reached on Monday through Friday from 9:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Robinson, can be reached on (703) 308-2897. The fax phone number for this Group is (703) 308-4227.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

June 6, 1997

DAVID T. FOX  
PRIMARY EXAMINER  
GROUP 180

